

Purchase of Land and Congested Districts (Ireland) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

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LAND PURCHASE AND LAND COMMISSION.

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 3. Establishment of Guarantee Fund.
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[Bill 342.]

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ii *Purchase of Land and Congested Districts (Ireland)*. [54 VICT.]

Clause.

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B I L L

[AS AMENDED IN COMMITTEE]

TO

Provide further Funds for the Purchase of Land in Ireland, and to make permanent the Land Commission; and to provide for the Improvement of the Congested Districts in Ireland. A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:

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PART I.

LAND PURCHASE AND LAND COMMISSION.

*Part I.
Land
Purchase.*

1.—(1.) Every advance under the Land Purchase Acts as amended by this Act after the commencement of this Act, except as hereinafter mentioned, shall be made by the issue of a sum of guaranteed land stock equal in nominal amount to the advance. Advances by guaranteed land stock.

Quarterly returns shall be made up to the end of the months of March, June, September, and December in each year, and as soon as practicable laid before Parliament, giving the following particulars respecting such advances:—

- 15 1. Province and county.
2. Landlord's name.
3. Area in statute acres.
4. Tenement valuation.
5. Rental (showing whether judicial or non-judicial).
- 20 6. Purchase moneys.
7. Advance sanctioned.
8. Guarantee deposit.
9. Name of purchaser.

[Bill 342.]

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Purchase.

Such stock, as between landlord and tenant of the holding purchased, shall be accepted by the landlord as equal in value to the nominal amount thereof.

(2.) Such stock shall be a capital stock, consisting of annuities yielding dividends at the rate of two pounds fifteen shillings per annum on the nominal amount of the capital, payable by equal half-yearly payments, on the first days of June and December, and after thirty years from the commencement of this Act, and not before, shall be redeemable in accordance with sub-section two of section two of the National Debt Conversion Act, 1888, as if it were stock redeemable under that section, and for the purpose of such redemption a Sinking Fund shall be established by means of an annual sum at the rate of one per cent on the nominal amount of the capital, payable in equal half-yearly payments.

(3.) The said dividends and payments to the Sinking Fund shall be paid out of the Land Purchase Account herein-after mentioned, and if that is insufficient shall, to the extent of the deficiency, be paid as a temporary advance out of the Consolidated Fund, and every such advance shall be repaid to the Consolidated Fund out of the Guarantee Fund as provided by this Act.

Half-yearly returns, ending on the thirtieth day of April and thirty-first day of October respectively, shall be presented to Parliament by the Land Commission, giving the following particulars respecting cases of default in the payment of any purchase annuity :—

| | |
|---|----|
| Name of purchaser. | |
| Name of vendor. | |
| Province, county, and townland in which the holding is situate. | |
| Date of purchase. | |
| Area (in statute acres) of holding. | 30 |
| Rateable value of holding. | |
| Rental of holding when purchased, and whether judicial or non-judicial. | |
| Amount of purchase-money. | |
| Amount of instalments paid. | 35 |
| Amount of instalments in default. | |
| Proceedings taken for recovery. | |

Establishment of a Land Purchase Account.

2.—(1.) The Land Commission shall establish a Land Purchase Account and under the prescribed rules carry thereto and apply as follows all moneys received on account of any purchase-annuity for the discharge of an advance.

(2.) All sums so carried in respect of the current half-yearly instalments of the annuity shall be applied in the following order :—

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(a) in paying the dividends and Sinking Fund payments on an amount of guaranteed land stock equal to the amount of the advance; and

(b) in paying to the Guarantee Fund an annual sum (in this Act referred to as the county per-centage) at the rate of five shillings for every hundred pounds of the advance, and the whole or any part of such per-centage not required for the purposes of the Guarantee Fund shall be applied towards the cost of providing labourers' cottages in the county in which is situate the holding charged with the annuity under the Labourers (Ireland) Acts, 1883 to 1886, on such terms and conditions, and subject to such regulations as the Lord Lieutenant thinks expedient, save that, when it appears to him, on the representation of the Local Government Board, that the whole or any part of such per-centage cannot with advantage be so applied, he may order the same to be applied as if it were part of the share of the county in the Irish probate duty grant, and he may for the purposes of this section withhold or suspend the distribution of the whole or part of the said per-centage when paid to the Local Taxation (Ireland) Account.

46 & 47 Vict.
c. 60,
48 & 49 Vict.
c. 58.

(3.) All sums carried to the account in respect of arrears of the purchase-annuity, whether paid by the proprietor of the holding, or from the guarantee deposit, or from the proceeds of the sale of a holding, or from any other source, shall be paid to the Guarantee Fund; provided that where a sum is applicable out of the guarantee deposit for the discharge or reduction of an irrecoverable debt, one half only of the amount so applicable shall be paid out of the guarantee deposit to the Land Purchase Account, and such one half shall be carried to the Land Purchase Account out of the guarantee deposit immediately on any sum due to the Land Commission in respect of an advance secured by a guarantee deposit having been declared an irrecoverable debt.

(4.) All sums carried to the account in respect of the redemption of the purchase-annuity, whether received from the proprietor of the holding, or upon the sale of the holding, or from the guarantee deposit, and also (save as otherwise provided by or in pursuance of this Act) all other moneys carried to the Land Purchase Account shall be paid to the Sinking Fund.

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Purchase.*

*Establish-
ment of
Guarantee
Fund.*

3.—(1.) There shall be established a Guarantee Fund under the direction of the Treasury, consisting of a cash portion and a contingent portion, and in every financial year there shall be paid to the Fund—

- (a) in respect of the cash portion of the Fund— 5
 - (i.) the Irish probate duty grant; and
 - (ii.) a sum of forty thousand pounds, which shall in every financial year be paid out of the Consolidated Fund (in this Act referred to as the Exchequer contribution); and
 - (iii.) the county per-centage; and 10
- (b) in respect of the contingent portion of the Fund if and when and to the extent required in pursuance of this Act,—the Irish share of the local taxation (customs and excise) duties and the following local grants, that is to say, grants—
 - (i.) for rates and contributions in lieu of rates on Government 15 property in Ireland;
 - (ii.) for the expenses of the Commissioners of National Education in Ireland under the accounts headed "Model Schools" and "National Schools";
 - (iii.) in aid of the maintenance of children in industrial 20 schools in Ireland;
 - (iv.) in aid of the salaries of schoolmasters and schoolmistresses in workhouses in Ireland, of the salaries of medical officers of workhouses and of dispensaries in Ireland, and of the cost of medicines and medical and 25 surgical appliances in Ireland, and of the salaries of officers appointed or constituted under the Public Health (Ireland) Act, 1878; and
 - (v.) in aid of the cost of maintenance of pauper lunatics in district asylums in Ireland; 30

and the several sums constituting the cash portion and the contingent portion respectively of the Guarantee Fund shall be applicable to the purpose of that Fund in the order specified in this section.

(2.) The cash portion of the Guarantee Fund, so far as not 35 required in any financial year for meeting charges on the Fund, shall, subject to the provisions of this Act with regard to the county per-centage, be applied as follows, that is to say,—

- (a) the Exchequer contribution shall be carried to a Reserve Fund until a sum of two hundred thousand pounds has been so 40 carried; and so far as not required for that purpose shall be paid to the Local Taxation (Ireland) Account and the share

41 & 42 Vict.
c. 52.

of the counties of cities and towns to which this Act does not apply shall be applied as if it were part of the Irish probate duty grant; and the residue shall be divided between the counties as nearly as may be in the proportion of the shares of the counties in the Irish probate duty grant, and such residue shall be applied towards the costs of providing labourers' cottages in the several counties under the Labourers (Ireland) Acts, 1883 and 1886, on such terms and conditions and subject to such regulations as the Lord Lieutenant thinks expedient, save that where it appears to him, on the representation of the Local Government Board, that the whole or any part of such residue applicable to any county cannot with advantage be so applied, he may order the same to be applied as if it were a share of the county in the Irish probate duty grant.

(b) the Irish probate duty grant shall be paid to the same Account, and applied in manner provided by section three of the Probate Duties (Scotland and Ireland) Act, 1888.

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51 & 52 Vict.
c. 60.
Making up
of deficiency
of Land
Purchase
Account
by Guarantee
Fund or
a levy on
county.

4.—(1.) If the Land Purchase Account is at any time insufficient to meet the dividends and Sinking Fund payments, the deficiency shall be a charge on the Guarantee Fund, and, subject to such adjustment of charge between the several counties as herein-after mentioned, shall be paid thereout to the Land Purchase Account, or, so far as the deficiency has been paid out of the Consolidated Fund, to that Fund.

(2.) If the cash portion of the Guarantee Fund is at any time insufficient to pay all such charge, the Treasury shall send to the Lord Lieutenant a notice stating the sum required to meet the remainder of the charge and the date for its payment, and if the Lord Lieutenant before that date, or such later date as on his application the Treasury may allow, does not pay to the Guarantee Fund from the Local Taxation (Ireland) Account, the said sum, with interest at the rate of three per cent per annum, or such other rate as the Treasury may fix, from the date of the notice, the Treasury shall order such sum and interest to be paid to the Guarantee Fund out of the local taxation (customs and excise) duties and local grants forming the contingent portion of the Fund, and subject to such adjustments of charge between the several counties as herein-after mentioned, and such sum and interest shall be deducted from the said duties and grants, and the Treasury by their order shall make such provision as seems to them necessary or proper for carrying the order into effect, and the order shall be duly observed.

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(3.) The Lord Lieutenant shall raise the said sum and interest, and also any sum which upon any adjustment under this Act of a charge between the counties, is charged against a county in excess of the share of the county in the cash portion of the Guarantee Fund, by a levy upon the county; and for that purpose he shall send to the secretary of the grand jury of the county a requisition for the payment of the sum therein named within such period therein mentioned, as the Lord Lieutenant thinks reasonable, but not later than two months after the next assizes at which presentments can be made. The requisition shall be laid before the grand jury at those assizes, and the grand jury shall, without any previous proceeding at any presentment sessions, present the sum payable in pursuance of the requisition, together with such further sum as will defray the costs of collection, to be levied off the county at large, and in default of such presentment the judge of assize shall order the sum to be raised, and such order shall have the force of a presentment; and the county treasurer shall out of the first moneys which he receives in respect of any presentment made at those assizes, pay the sum required into the Local Taxation (Ireland) Account, to be there placed to the credit of the county.

(4.) A charge on the Guarantee Fund shall, as between the counties, be adjusted and be borne by each county and in such manner, and the burden as between the local authorities and persons in the county shall be adjusted and borne in such manner as may be provided by regulations of the Lord Lieutenant made with the consent of the Treasury, and the benefit of any sum repaid to the Guarantee Fund from the Land Purchase Account shall be adjusted, in accordance with as nearly as may be the mode in which the burden of originally paying such sum was borne.

(5.) The share of a county in the Guarantee Fund or any portion thereof for any purpose of this Act shall be ascertained by the Lord Lieutenant in accordance with the regulations under this section, and the regulations shall provide for apportioning the Guarantee Fund in the proportion in which the Irish probate duty grant and the local taxation (customs and excise) duties and the local grants are distributable among the local authorities and persons in each county on the basis of the financial year in which the apportionment is made, and shall provide for the share to be assigned to any county where the benefits of any school or lunatic asylum are not confined to the county in which the school or asylum is situate, or where parts of a poor law union or other area are situate in more than one county.

(6.) All questions which arise as to the share of any county or other local authority or any person in any Fund or sum dealt with in this Act, or as to the rights or burdens of any county or local authority or persons in respect of payments out of the Guarantee Fund or the Local Taxation (Ireland) Account, shall be determined by the Lord Lieutenant, and his decision shall be final.

5 5.—(1.) Where an advance for the purchase of a holding is less than twenty times the annual value as in this Act defined of the interest which the tenant agrees to buy in the holding, then during
10 the first five years of the term of the purchase-annuity the annuity shall be eighty per cent of such annual value (and the excess of any purchase-annuity over an annuity of four per cent on the advance is in this Act referred to as the purchaser's insurance money), but the annuity shall, on application be reduced after those five years,
15 to such four per cent, and after the first eighteen years of the term shall on application be further reduced to such annuity as, in accordance with the prescribed tables, will, after allowing for the purchaser's insurance money, replace at the end of the term the advance with interest at the rate of three per cent per annum:
20 Provided that this sub-section shall not apply when the amount of the advance does not exceed three-fourths of the purchase money of the holding.

And in case of exceptional agricultural calamity from purchasers' insurance and Reserve Fund.

(2.) All such reductions shall be made by the Land Commission on the application of the proprietor for the time being of the
25 holding charged, and if no such application is made, the annuity shall remain of the same amount, but in any case shall cease at such period before the end of the term of the annuity as may be provided by the prescribed tables, so as to replace the advance with interest at the rate of three per cent per annum.

30 (3.) If, after one fourth of the capital sum available for land purchase in a county has been applied for within four years after the passing of this Act, it appears to the Lord Lieutenant, on the report of the Land Commission, that it is expedient in the interest of tenants desiring to purchase that the purchase-annuities to which
35 this section applies in the county should continue for more than five years to be eighty per cent of the said annual value, and he so declares by publication in the prescribed manner, this section shall from the date mentioned in such declaration apply to all such annuities in that county as are chargeable on any holding the
40 agreement for the purchase of which has been made after the date of the declaration, as if the number of years mentioned in the declaration were throughout substituted for five years, and the

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Purchase.*

annuity shall cease at such earlier period as may be fixed by the prescribed tables. The Lord Lieutenant, on the report of the Land Commission, may from time to time, if he thinks it expedient for the reason aforesaid, by a subsequent declaration, revoke or vary any such declaration and make a new declaration under the provisions of this sub-section, but no such subsequent declaration shall affect any annuity chargeable on a holding under an agreement made before the date mentioned in the declaration: Provided that any such declaration shall not come into operation till it has been before both Houses of Parliament for not less than thirty days, nor if either House passes a resolution objecting to it.

(4.) Where the whole or a part of any purchaser's insurance money has been paid and subsequently the annuity in respect of which it has been paid is in arrear, the Land Commission, if satisfied that such arrear is due to exceptional circumstances and not to any fault of the person liable to pay the annuity, may, if they think it expedient, set off against the whole or part of the arrear the purchaser's insurance money, or any part thereof, but the annuity (notwithstanding any reduction under the foregoing provisions of this section) shall be increased by such amount after such period not exceeding two years from the date of the set off or the termination of the first five years whichever shall latest happen, and for such time as the Land Commission direct, in order to replace the sum so set off, but so that the annuity shall not exceed the annuity payable during the first five years of the term.

(5.) If in any financial year it appears to the Lord Lieutenant, on the report of the Land Commission and Local Government Board, that in consequence of exceptional agricultural distress or calamity in any county it is advisable in the public interest that any deficiency arising from the non-payment of purchase-annuities in that county should be advanced in whole or in part out of the Reserve Fund instead of being paid as before provided by this Act, he may, with the consent of the Treasury, order such advance; but the order shall not come into operation till it has lain before both Houses of Parliament for not less than thirty days, nor if both Houses pass within the said period a resolution objecting to it; and the advance shall be repaid to the Reserve Fund out of the Exchequer contribution before that contribution is applied to any purpose other than the Guarantee Fund.

(6.) Every such order for an advance in any year shall specify the electoral divisions in the county in which the said distress or calamity has occurred to such extent as to require the aid herein-

after mentioned to be given to the persons liable for the payment of purchase-annuities, and on application to the Land Commission by any such person in respect of a holding situated in an electoral division so specified, a portion of the advance may, in accordance with regulations made by the Land Commission, be deemed to be lent to him in discharge of the whole or part of any instalment of the purchase-annuity specified by the Land Commission, and the annuity shall be increased by such amount and for such time not exceeding five years commencing from such date as the Land Commission direct, in order to repay to the Reserve Fund the amounts so deemed to be lent.

The regulations shall, so far as possible, secure that—

- (a.) No such loans shall be made to the extent to which the instalment can be paid out of the purchaser's insurance money; and that
- (b.) If the amount of the advance is insufficient to meet all the loans applied for, such loans shall abate proportionately.

6.—(1.) Advances may be made under the Land Purchase Acts as amended by this Act in excess of the amount of ten millions authorised by the Land Purchase Acts, 1885 and 1888, by the issue of guaranteed land stock to the amount from time to time required by the Land Commission, but such advances for the purchase of holdings in any county shall not, except in so far as is hereafter provided, exceed twenty-five times the share of the county in the Guarantee Fund; and the Treasury, when of opinion that the advances made for the purchase of holdings in any county approximate to this limit, shall certify their opinion to the Lord Lieutenant, who shall forthwith determine, on the basis of the preceding financial year, the share of each county in the Guarantee Fund.

Limitation
of advance.

(2.) The Treasury, in communication with the Lord Lieutenant, may authorise, by order, additional advances in the county, not exceeding the capital value for the time being of that part of the Sinking Fund which has been accumulated out of the Sinking Fund payments paid out of purchase-annuities in the county, and such capital value shall include the capital of any guaranteed land stock redeemed by the said payments.

(3.) So long as any money authorised to be issued under the Land Purchase Acts, 1885 and 1888, remains available for advances under those Acts, an advance may be made, out of the money so available, in any case where the landlord and tenant so agree, and every such advance and the repayment thereof shall in all respects

A D. 1891. be subject to the provisions of the said Acts as if this Act had not passed.

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An advance shall not be made under the Land Purchase Acts as amended by this Act for the purchase—

Of any holding for the purchase of which or of any part of 5
which land stock has been issued under this Act, or advances
have already been made under the Land Purchase Acts, until
the entire purchase-annuity has been paid.

Allocation
of the sum
available for
purchase in
proportion to
the value of
holdings.

7.—(a.) The Lord Lieutenant shall, within one year from the
passing of this Act, ascertain as nearly as may be and declare as 10
regards each county the proportion between the total number of
agricultural and pastoral holdings for the purchase of which
advances may be made under this Act, and the number of such
holdings which are valued at an amount exceeding fifty pounds.

(b.) The Land Commission, in making advances under this Act, 15
shall have regard to such proportion, so that as far as practicable
the total amount advanced under this Act for the purchase of agri-
cultural and pastoral holdings the rent of which exceeds fifty
pounds each in any county as compared with the total amount
advanced under this Act in the county shall not exceed the above 20
proportion, except where in the opinion of the Land Commission
an advance to a tenant of the first-mentioned class is necessary for
carrying into effect sales on the estate of the same landlord.

Provided that if and whenever the Land Commission have made
advances in any county to tenants of holdings the rent of which 25
exceeds fifty pounds to the extent herein-before mentioned, the
Lord Lieutenant may, on the recommendation of the Land Com-
mission, if he thinks fit, by order authorise the Land Commission
to disregard the said proportion either entirely or to the extent
specified in such order, but the order shall not come into operation 30
until it has lain before both Houses of Parliament for not less than
thirty days nor if, within such period of thirty days, either House
passes a resolution objecting to it, and shall not continue in force
for more than two years.

(c.) Nothing in this section contained shall invalidate any 35
advance hereafter actually made.

Miscel-
laneous and
supple-
mental.
33 & 34 Vict.
c. 71.

8.—(1.) The guaranteed land stock shall from time to time as
required for the purposes of this Act be created by the Treasury,
and issued by the Land Commission in the prescribed manner,
and the National Debt Act, 1870, shall, but without creating 40
any further charge on the Consolidated Fund, apply to the stock
as if it were described in the First Schedule to that Act, and

the Treasury may declare that the stock shall be subject to Part Five of that Act.

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(2.) All persons, including the National Debt Commissioners, shall have the like power of investing in the said stock as they have in consolidated annuities, and the National Debt Commissioners shall also, within the limits fixed by the Treasury in communication with them, give on application consolidated annuities in exchange for an equal nominal amount of the guaranteed land stock.

(3.) Rules of the Treasury shall provide for the consolidation of the said stock and for the commencement of the dividends on stock issued for an advance, and for the payment of interest at the like rate as the dividends for the period between the advance and the commencement of the dividends, and such interest shall be paid out of the Land Purchase Account and if need be the Consolidated Fund as if it were part of the dividends.

(4.) The payments to the Sinking Fund, including the purchaser's insurance money, shall be paid to the National Debt Commissioners, who shall apply and invest the same and the income thereof for the purposes of this Act in the prescribed manner.

(5.) Subject to the prescribed regulations the cash portion of the Guarantee Fund and the Reserve Fund may be used for temporary advances to the Land Purchase Account, or for other current purposes connected with the administration of this Act, and the Reserve Fund shall, so far as not so used, be invested, and the income shall form part of the Fund.

(6.) The payment directed by section one of the Probate Duties (Scotland and Ireland) Act, 1898, shall be made as if the Guarantee Fund under this Act were substituted for the Local Taxation (Ireland) Account.

§1 & §2 Vics.
c. 60.

(7.) All sums directed or authorised by this Act to be paid out of the Consolidated Fund shall be charged on and issued out of that Fund or the growing produce thereof at such times as may be prescribed, and if none are prescribed, as the Treasury direct.

(8.) The Treasury may cause such adjustments to be made between the Sinking Fund, inclusive of the purchaser's insurance money, the Land Purchase Account, the Guarantee Fund, the Guarantee Deposit, and the Reserve Fund, and such payments to be made from one Account or Fund or one portion of an Account or Fund to another, and sums to be placed to such credit, and such securities to be sold or bought as may be necessary for the purpose of carrying into effect this Act or the regulations.

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Purchase.*

(9.) The issue of guaranteed land stock to the prescribed accounts shall be equivalent to the advance and payment of the purchase money and to the retention by the Land Commission of any sum as a guarantee deposit, and all the provisions in the Land Purchase Acts relating to purchase-money and guarantee deposit 5 respectively shall apply to guaranteed land stock so issued, and the interest payable on any guarantee deposit where an advance is made under this Act shall, until otherwise invested in pursuance of the Land Purchase Acts as amended by this Act, be at the rate of two pounds fifteen shillings per cent per annum instead 10 of three per cent.

*Amendment
of 50 & 51
Vict. c. 33,
s. 20, as
applied to
advances
under this
Act.*

*Miscellaneous
as to acts.*

9. In the application of section twenty of the Land Law (Ireland) Act, 1887, to advances made under this Act, the said section shall be construed as if the word "three" were substituted for the words "three and one-eighth."

15

10.—(1.) A holding situated in more than one county shall, for the purposes of this Act, be deemed to be in such county as the Land Commission, having regard to the area and value of the holding, determine.

(2.) The counties of cities and counties of towns specified in the First Schedule to this Act shall for the purposes of this Act be considered as included in the counties therein named for that purpose, and the amount required in pursuance of this Act to be raised by a levy on any such county shall be apportioned by the Lord Lieutenant between such county of a city or county of a town 25 and the rest of the county, in proportion to the rateable value of each area, and the provisions of this Act as to a levy on a county shall apply with the necessary modifications to such county of a city or town, and in particular with the substitution for the grand jury of the county of the grand jury of such county of a city or town, or of any body therein to whom the power of a grand jury 30 as to the presentment of public money has been transferred.

(3.) Nothing in this Act shall apply to a municipal borough mentioned in the Second Schedule to this Act, except that it shall be entitled to the same share in the Exchequer contribution and the 35 Irish probate duty grant, as if the Act applied.

Provided that, if the town council of any such municipal borough shall by resolution passed in the prescribed manner so declare, this Act shall apply to such municipal borough in like manner as if such municipal borough were specified in the First Schedule to this 40 Act.

11. No portion of the guarantee deposit shall be invested in any security that is not readily realisable.

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12. The provisions of section nineteen of the Land Law (Ireland) Act, 1881, and the Acts amending the same, shall apply in all cases where an advance is made for the purchase of a holding under the Land Purchase Acts and this Act, and the powers thereby conferred on the Land Commission in regard to the determination of rent shall be exercisable by them with the necessary modifications in sanctioning an agreement for sale.

Investment
of guarantee
deposit.
Extension of
section 19 of
the Land
Law (Ire-
land) Act,
1881.

13.—(1.) The Treasury may make rules for the purpose of carrying into effect this part of this Act, and in particular with respect to—

Power of
Treasury
to make
rules.

(a) the Sinking Fund and the creation and issue of the stock, and the cancellation of the stock when purchased or redeemed;

(b) the audit of the accounts of any receipts and expenditure by the Controller and Auditor-General or otherwise;

(c) the conclusiveness of any certificate given in pursuance of such rules.

(2.) Such rules shall be laid before Parliament, and shall have effect as if enacted in this Act, and so far as they relate to the creation, issue, or redemption of stock, or to the Sinking Fund, shall not be altered without the consent of Parliament.

14.—(1.) From the commencement of this Act the Land Commission shall be perpetual, but it shall be lawful for the Lord Chancellor to remove for inability or misbehaviour any Commissioner other than the Judicial Commissioner.

Tenure of
Land Com-
missioners,
&c.

Every order of removal shall state the reasons for which it is made, and no such order shall come into operation until it has lain before both Houses of Parliament for not less than thirty days, nor if either House passes a resolution objecting to it. Save as aforesaid, each Commissioner, other than the Judicial Commissioner, shall hold his office by the same tenure as if he were a county court judge in Ireland, and his salary shall be paid out of the Consolidated Fund; but none of the Commissioners shall by reason of this Act be entitled to any pension or superannuation allowance save so far as he would have been so entitled if this Act had not passed.

(2.) The Lord Chancellor may nominate any judges of the High Court, other than the Lord Chief Justice and the Master of the Rolls, to act as additional Judicial Commissioners for the purposes of the Land Purchase Acts as amended by this Act for the time specified by him; and every judge so nominated shall during that time have the same jurisdiction for the purpose of determining any

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Purchase.

question of law as the Judicial Commissioner for the purposes of the said Acts.

(3.) If and when the Judicial Commissioner is temporarily unable to attend, or his office is vacant, the Lord Chancellor may nominate any judge of the High Court to act temporarily in his place, and the judge so nominated shall during such inability or vacancy have the same jurisdiction as if he were the Judicial Commissioner.

(4.) A judge of the High Court appointed before the first day of January one thousand eight hundred and eighty-eight shall not, without his own consent, be nominated under this section.

(5.) Such of the persons employed by the Land Commission, including assistant commissioners, as the Lord Lieutenant and the Treasury determine to be necessary for the permanent organisation of the staff of the Land Commission shall, as from the first day of January next after the passing of this Act, notwithstanding anything in the Land Purchase Acts, be permanent civil servants of the Crown within the meaning of section seventeen of the Superannuation Act, 1859, and in their case, and in the case of persons formerly employed by the Commissioners of Church Temporalities in Ireland or by the Land Commission who have since served continuously in the service of the Crown, their periods of service (if any) under the Commissioners of Church Temporalities in Ireland or under the Land Commission, as the case may be, shall be taken into account for all purposes of superannuation allowance, and such portion of the superannuation allowance (if any) as the Treasury determine to be properly payable in respect of such service shall be charged on and paid out of the Irish Church Temporalities Fund.

Notwithstanding anything in section seventeen of the Purchase of Land (Ireland) Act, 1885, any Commissioner in carrying the Land Purchase Acts and this Act into effect may submit any question of law arising under the said Acts for the hearing and determination of the Judicial Commissioner, and it shall not be necessary that any Commissioner shall sit with the Judicial Commissioner when he is hearing or determining any question of law under the provisions of that section.

22 Vict.
c. 26.

PART II.

CONGESTED DISTRICTS.

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Part II.
Congested
Districts.
Constitution
of Congested
Districts
Board.

15 15.—(1.) For twenty years after the passing of this Act, and thereafter until Parliament shall otherwise determine, there shall be a Board called the Congested Districts Board for Ireland, consisting of the Chief Secretary and of a member of the Land Commission whom the Lord Lieutenant may nominate to especially represent agriculture and forestry, and of five unofficial members. The Chief Secretary, when absent, shall be replaced by the Under
 10 Secretary to the Lord Lieutenant.

(2.) It shall be lawful for Her Majesty, by warrant under the Royal Sign Manual, to appoint and fill up vacancies among the unofficial members, and also in the same manner to appoint two or more persons, not exceeding five, to be temporary members of
 15 the Board for the purpose of the business of the Board relating to fisheries, agriculture, or other special matters. A temporary member of the Board shall hold office for such period as may be mentioned in the warrant appointing such member.

(3.) Three members of the Board, not including temporary
 20 members, shall form a quorum, and any act of the Board may be signified under the hands of any three members of the Board.

16.—(1.) For the purposes of this part of this Act, the sum of one million five hundred thousand pounds (in this Act referred to as the Church Surplus Grant) shall, with interest at the rate
 25 of two and three-quarters per cent per annum, be charged on the Irish Church Temporalities Fund, and such interest shall, so far as not required for the purposes of the Guarantee Fund as herein-after mentioned, be placed at the disposal of and paid or applied as may be directed by the Congested Districts Board for
 30 the purposes of this Act.

(2.) The interest on the Church Surplus Grant shall be paid by the Land Commission at such times as the Treasury direct, and so far as not for the time being required, may, under the directions of the Treasury, be invested, and the principal and
 40 income of such investment shall be dealt with as if it were the said interest.

(3.) Section thirty-two of the Land Law (Ireland) Act, (1881), and section twenty of the Arrears of Rent (Ireland) Act, 1883, and section twelve of the Tramways and Public Companies
 45 (Ireland) Act, 1883, shall be repealed.

[342.]

C

45 & 46 Vict.
 c. 47.
 46 & 47 Vict.
 c. 43.

A.D. 1891.

*Part II.
Congested
Districts.*Congested
districts
counties,
and applica-
tion thereto
of Part I.

(4.) The Irish Reproductive Loan Fund and the Sea and Coast Fisheries Fund shall be placed at the disposal of the Board for the purposes of this Act, but shall be applicable only in any county in which the fund is before the passing of this Act applicable.

17.—(1.) Where at the commencement of this Act more than 5 twenty per cent. of the population of a county, or in the case of the county Cork of each riding thereof, live in electoral divisions of which the total rateable value, when divided by the number of the population, gives a sum of less than one pound six shillings and eightpence for each individual, those divisions shall for the purposes of this Act be separated from the county in which they are geographically situate, and form a separate county (in this Act referred to as a congested districts county), and the provisions of this Act as to the share of a county in any portion of the Guarantee Fund shall apply to such county with the necessary 15 modifications.

Provided that if it appears to the Congested Districts Board that it is expedient to include under the provisions of this section any electoral division other than the divisions herein-before mentioned, or to exclude therefrom any electoral division, it shall be lawful for 20 the Lord Lieutenant, on the report of the Board, to include or exclude, as the case may be, such division.

(2.) The interest on the Church Surplus Grant shall form part of the contingent portion of the Guarantee Fund, and be apportioned between the congested districts counties in proportion to their 25 population.

(3.) The local grants under the account headed "Model Schools and National Schools" shall not form part of the contingent portion of the Guarantee Fund for a congested districts county.

(4.) Where under this Act a sum is required to be raised by a 30 levy on a county from which a congested districts county is separated, no portion of it shall be presented or apportioned upon or raised out of any hereditaments in the latter county.

(5.) Where under this Act a sum is required to be raised by a levy on a congested districts county, one half of that sum shall be 35 paid out of the share of the county in the interest on the Church Surplus Grant, so far as that share extends; and the residue shall be raised by the Lord Lieutenant by a levy on the county, and the requisition may be sent to the secretary of the grand jury of the entire county, and the same shall be paid accordingly, but shall 40 solely be presented and apportioned upon and raised out of the hereditaments within the congested districts county.

18.—(1.) For the purpose of amalgamating small holdings in a congested districts county, the Congested Districts Board may—

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Part II.
Congested Districts.
Amalgamation of small holdings in congested districts county.

- (a) out of the moneys at their disposal, give special aid to the emigration or migration of any occupier of a holding, with his family, if any, and settling such migrant or emigrant under favourable circumstances in the place to which he first migrates or emigrates, on condition that he transfers his interest in that holding to an occupier of a neighbouring holding, and that the holdings are amalgamated; and
- (b) recommend the Land Commission to facilitate the amalgamation of small holdings, which the Land Commission are hereby authorised to do, whether by the apportionment of a purchase-annuity and of the guarantee deposit, or by a sale to a tenant, or by making an advance towards the purchase of an interest in a holding; and any such advance may be made out of money supplied by the Board, and shall be repaid by a purchase-annuity charged on the holding as if the advance were made under the Land Purchase Acts, but all sums received by the Land Commission on account of such annuity shall be paid to the Board.

Provided that no holding shall be increased by amalgamation under this section beyond a rateable value of twenty pounds.

- (2.) In a congested districts county a small holding purchased by means of an advance by the issue of stock under this Act, shall not during the continuance of the purchase-annuity charged thereon be sold, except to the occupier of a holding in the neighbourhood or to the Land Commission, and if it is, the Land Commission may cause the holding to be sold as if for a breach of condition under section thirty of the Land Law (Ireland) Act, 1881.

44 & 45 Vict.
c. 49.

- (3.) The purchase by the Land Commission of a holding shall be made through the Congested Districts Board, and out of moneys provided by the Board, and for such price as may be agreed on by the vendor and the Board, or, in case of difference, may be determined by the Land Commission to be its full market value.

- (4.) Where a small holding in a congested districts county is (whether under this section or the Land Purchase Acts) liable to be sold, the Land Commission shall endeavour to sell the same to one of the occupiers of a neighbouring holding with a view to the holdings being amalgamated.

- (5.) The sale may be made upon such terms and conditions and at such price as the Land Commission fix, and the price may not be greater than the difference between the value of the two holdings

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Congested
Districts.*

after amalgamation, and the value of the purchaser's holding before amalgamation. The purchase money may be advanced as if it were a purchase under the Land Purchase Acts, save that the purchase-annuity shall be charged on the amalgamated holding, and not merely on the holding purchased, subject nevertheless to 5 any prior charges on such portion of the holding as has not been purchased.

Supple-
mental
provisions
as to amal-
gamation
of holdings
in congested
districts
county,
44 & 45 Vict.
c. 49.

19.—(1.) On a holding amalgamated in pursuance of this Act, one house only shall be used as a dwelling-house, and if more than one house is so used, the Land Commission shall, except 10 where that use is permitted as herein-after mentioned, cause the holding to be sold as if for a breach of condition under section thirty of the Land Law (Ireland) Act, 1881;

Provided that the Congested Districts Board, if they think special reasons justify the course, may request the Land Commission to 15 permit, and thereupon the Land Commission shall permit the former occupier of another house on the amalgamated holding or a member of his family to become and be caretaker of such other house, and of any yard and garden attached thereto, not exceeding one quarter of an acre, for such limited time and on such 20 conditions as the Board approve.

(2.) Where a holding amalgamated in pursuance of this Act is of less value than the holdings out of which it was amalga- mated, either because only one house can be used as a dwelling- house on the amalgamated holding, or otherwise by reason of 25 the amalgamation, the Land Commission may, and on the request of the Congested Districts Board shall, certify the amount of the difference, and that amount shall be paid by the Board out of the moneys at their disposal to the person or department on whom the loss has fallen, and if paid to the Land Commission shall 30 be applied towards the discharge of the purchase-annuity on the holding.

(3.) The provisions of this Act respecting the amalgamation of holdings shall, in cases where the Congested Districts Board think it expedient, apply to a part of a holding. 35

Power to
aid emigra-
tion and
migration,
agriculture
and indus-
tries.

20.—(1.) The Congested Districts Board may take such steps as they think proper for—

- (a) aiding migration or emigration from any electoral division, the total rateable value of which, when divided by the number of the population, gives a sum of less than one pound six 40 shillings and eightpence for each individual, and settling any migrant or emigrant under favourable circumstances in the place to which he first migrates or emigrates; and

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Congested
Districts.

(b) providing suitable seed potatoes and seed oats for sale to occupiers in any such electoral division; and

(c) aiding and developing agriculture, forestry, the breeding of live stock and poultry, weaving, spinning, fishing, including the construction of piers and harbours and the supply of fishing boats and gear, and industries connected with and subservient to fishing, and any other suitable industries; and for the purposes of this sub-section the Land Commission may acquire and hold land.

(2.) The said seed shall be sold for ready money, and for not less than the cost of the seed (including all expenses incurred for carriage, storage, or otherwise), except so far as such cost may be defrayed out of gifts specially given to the Board for that purpose.

(3.) Any person nominated by the Board may, at all reasonable times, and after due notice to the occupier enter any land occupied by an occupier to whom seed has been sold and ascertain whether it has been properly sown.

(4.) The Board may proceed under this section directly or indirectly, and by the application of money at their disposal or otherwise, and may make gifts or loans to any persons upon, and subject to such conditions as the Board consider expedient, and any moneys received in respect of the principal or interest of the loans may be applied as part of the money placed at the disposal of the Board.

21.—(1.) The Lord Lieutenant shall appoint a secretary to the Congested Districts Board and may direct the officers of the Land Commission to discharge such duties for the Board as he thinks proper, and if he thinks those officers are insufficient, may, with the sanction of the Treasury, authorise the Board to employ such officers as are required.

Supple-
mented as to
Congested
Districts
Board.

Any member of the Board shall be eligible to act as an officer under this section for any temporary purpose, but so long as he is employed as such officer he shall not act as a member of the Board.

(2.) The salaries or remuneration of the secretary and the officers (if any) employed by the Board and the administrative expenses of the Board shall be fixed by the Treasury, and paid out of moneys provided by Parliament.

(3.) The Congested Districts Board may accept any gifts of property for all or any of the purposes for which money is provided under this part of this Act, and apply them according to the directions of the giver, if consistent in their opinion with the

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*Part II.
Congested
Districts.*

principles on which they apply the said money, and subject to any such directions may apply them in like manner as that money.

(4.) Any property given to the Board, and any investments made by or securities given to the Board may be held, and given to the Land Commission, and shall be held by the Land Commis- 5 sion in trust for the purposes of this part of this Act, or such of them as the circumstances of the case require.

(5.) The Congested Districts Board shall submit to the Treasury annually and at any other time for any special purpose, in the form fixed by the Treasury, an estimate showing the amount proposed by 10 the Board to be expended and shall not expend any sums except in accordance with such estimate when approved by the Treasury and shall not create any permanent charge on the Church Surplus Grant, except that they may with the sanction of the Treasury borrow out of the moneys available for local loans in Ireland on 15 the security of the annual income of the Church Surplus Grant such sum as, having regard to the liabilities of such income for the purposes of the Guarantee Fund and the other moneys at the disposal of the Board, the Treasury consider can be properly borrowed without danger to the security given by the Guarantee Fund. 20

(6.) The Board shall keep such accounts of their receipts and expenditure, and those accounts shall be audited in accordance with such regulations, as the Treasury direct and laid before Parliament.

*Part III.
Land
Definitions.*

PART III.

DEFINITIONS, REPEALS, &c.

25

Interpreta-
tion of
terms.

22.—(1.) In this Act, unless the subject or context otherwise requires:—

The expression "Local Government Board" means the Local Government Board for Ireland:

The expression "prescribed" means prescribed by rules made by 30 the Treasury in pursuance of this Act:

The expression "Local Taxation (Ireland) Account" means the account to which that name is given in the Probate Duties (Scotland and Ireland) Act, 1888:

The expression "Irish probate duty grant" means the sums 35 which but for this Act would under section two of the last-mentioned Act be paid in respect of the probate duty grant to the Local Taxation (Ireland) Account:

51 & 52 Vict.
c. 60.

The expression "Consolidated Fund" means the Consolidated Fund of the United Kingdom:

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Part III.

Land

Definitions.

50 & 51 Vict.

c. 2.

The expression "consolidated annuities" means the capital stock of perpetual annuities created under the National Debt Conversion Act, 1888, or consolidated with the annuities so created.

The expression "assizes" includes a presenting term, and the expression "judge of assize" includes a judge of the High Court, and the expression "County Treasurer" includes a Finance Committee or other persons exercising the functions of County Treasurer:

The expression "rateable value," when used in relation to any hereditament or area, means the annual rateable value under the Irish Valuation Acts of such hereditament or of the hereditaments comprised in such area:

The expression "annual value of the holding" means the annual sum which at the date of the application for an advance under the Land Purchase Acts is the rent of the holding in respect of which the advance is made, after deducting therefrom the tithe rentcharge and the average annual amount payable by the landlord during the five years next before such date for poor rate and grand jury cess; but where a judicial rent has not been fixed for the holding, and the purchaser applies to the Land Commission to determine the annual value of the interest purchased in the holding, such annual value shall be ascertained by the Land Commission in the manner prescribed by rules to be made by them, and in such case the said expression means the annual value so determined:

The expression "purchase-annuity" means an annuity for the repayment of an advance for the purchase of a holding made by the issue of stock under this Act:

The expression "population" means population according to the last published census for the time being:

The expression "local grants" means grants made in aid of local taxation or for local purposes out of moneys provided by Parliament, and any reference to the purposes or account for or on which grants are made shall be construed according to the terms of the estimates for such grants laid before the House of Commons and the heads of account therein mentioned:

The expression "Land Purchase Acts" means the Landlord and Tenant (Ireland) Act, 1870 (Parts II. and III.) the Landlord and Tenant (Ireland) Act, 1873, the Land Law (Ireland) Act,

33 & 34 Vict. c. 48.

35 & 36 Vict. c. 32.

44 & 45 Vict. c. 40.

A.D. 1891.

*Part III.
Land
Definitions.*

46 & 47 Vict. c. 45,
48 & 49 Vict. c. 78,
50 & 51 Vict. c. 35,
51 & 52 Vict. c. 49,
52 Vict. c. 15,
53 & 54 Vict. c. 35,
55 & 56 Vict. c. 39

1881 (Part V. and Part VI. and Part VII.), the Tramways and Public Companies (Ireland) Act, 1883 (Part II.), the Land Purchase Acts, 1885 and 1888, the Land Law (Ireland) Act, 1887 (Part II.), and the Purchase of Land (Ireland) Amendment Act, 1889; and the said Acts and this Act may 5
be cited as the Land Purchase (Ireland) Acts, 1870 to 1891 :

The expression "Land Purchase Acts, 1885 and 1888," means the Purchase of Land (Ireland) Act, 1885, and the Purchase of Land (Ireland) Amendment Act, 1888 :

The expression "Irish Church Temporalities Fund" means the 10
fund under the control of the Land Commission by virtue of the Irish Church Act Amendment Act, 1881 :

The expression "a small holding" means a holding of a rateable value of less than ten pounds, or any higher sum fixed by the Congested Districts Board :

The expression "occupier" means an occupier whether tenant or 15
proprietor :

The expression "county" includes the riding of a county where such riding is separated from the county for fiscal purposes.

Repeal of
enactments;
construction;
short title.

23.—(1.) The enactments described in the Third Schedule to 20
this Act are hereby repealed to the extent appearing in the third column of that schedule.

(2.) This Act shall be construed as one with the Land Purchase Acts and may be cited as the Purchase of Land (Ireland) Act, 1891.

SCHEDULES.

A.D. 1891.

FIRST SCHEDULE.

Counties of Cities and Towns included in Counties.

| Names. | Counties in which included. |
|---|-----------------------------|
| 5 County of the city of Kilkenny - - - | Kilkenny. |
| County of the town of Carrickfergus - - - | Antrim. |
| County of the town of Galway - - - | Galway. |
| County of the town of Drogheda - - - | Louth. |

SECOND SCHEDULE.

10

Municipal Boroughs to which the Act does not apply.

Dublin.

Cork.

Belfast.

Limerick.

15

Londonderry.

Waterford.

A.D. 1891.

THIRD SCHEDULE.

ENACTMENTS REPEALED.

Enactments to be Repealed on Commencement of Act.

| Chapter and Session. | Title of Act. | Extent of Repeal. |
|------------------------|---|---|
| 41 & 45 Vict. cap. 49. | The Land Law (Ireland) Act, 1881. | Section forty-one, from "the two Commissioners other" down to "passing of this Act"; the words "during the said period of seven years"; and from "but the person so appointed" to the end of the section, and section fifty-three so far as it applies to any person who, by virtue of the determination of the Lord Lieutenant and the Treasury under this Act, is a permanent civil servant of the Crown. 5 10 15 |
| 48 & 49 Vict. cap. 73. | The Purchase of Land (Ireland) Act, 1885. | Section three, from "the Land Commission shall pay" down to "per annum," so far as respects an advance made by means of stock. 20 Section seventeen, from "shall continue" to "appointments and"; the words "during the said period of three years"; and from "the person so appointed" down to "would have done." 25 In section twenty-four, from "out of the Consolidated Fund," where those words first occur, to the end of the section. 30 |
| 51 & 52 Vict. cap. 49. | Purchase of Land (Ireland) Amendment Act, 1888. | Section five. 35 |

